

REISSUE PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7
2/13
5/12/03

In re the Reissue Application of:

Attorney Docket No. 1915.14US03

Kasner et al.

Confirmation No: 9685

Application No.: 09/862,905

Examiner: M. Safavi

Filed: 22 May 2001

Group Art Unit: 3635

For: RIDGE CAP TYPE ROOF VENTILATOR

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.175

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
MAY 09 2003
GROUP 3600

Sir:

1. We, Gary P. Kasner, Mark S. Stoll, and Richard J. Morris, in supplement to the Declarations and Verified Statements of Fact previously submitted in the above-identified reissue application, and incorporating the same herein by reference as though fully set forth, hereby declare that:
2. We have reviewed and understand the contents of the reissue specification, including the claims, as amended by the amendments and as specifically referred to herein.
3. We believe ourselves to be the original and first inventors of the subject matter, which is claimed and for which a reissue patent is sought.
4. We acknowledge the duty to disclose information material to the examination of this application in accordance with 37 C.F.R. § 1.56, including any public use, sale, or offer of sale of the disclosed invention occurring more than one year prior to the filing date of the application from which the present Patent issued.
5. We believe the original patent to be partially or wholly inoperative because Applicants claimed more or less than Applicants had a right to claim in the patent, e.g., allowed claims of U.S. Patent 5,094,041 recite "a plurality of vent panels" (claims 1 and 7) or "at least a first vent panel and a second vent panel" (claim 4), wherein "a ventilator first" panel is enabled and disclosed in the present U.S. Patent, is not recited in any allowed claim, and is broader in scope than "a plurality of vent panels" or "at least a first vent panel and a second vent panel."

6. We also believe the original patent to be partially or wholly inoperative because Applicants claimed more or less than Applicants had a right to claim in the patent, e.g., allowed claims of U.S. Patent 5,094,041 recite "a pair of vent parts (independent claims 1, 4, 7, 8, and 9)," wherein "at least one ventilator section" is believed to be enabled and disclosed in the present U.S. Patent, is not recited in any allowed claim, and is broader in scope than the foregoing limitation present in the issued independent claims.
7. We also believe the original patent to be partially or wholly inoperative because Applicants claimed more or less than Applicants had a right to claim in the patent, e.g., each independent claim of U.S. Patent 5,094,041 recites "a roof ventilator having a roof opening", whereas this limitation is not present in the pending independent claims, which are therefore broader in scope.
8. We also believe the original patent to be partially or wholly inoperative because Applicants claimed more or less than Applicants had a right to claim in the patent, e.g., methods of ventilating a building attic using the present invention and/or or making the present invention are not claimed, exemplary method claims being present in this Application, but withdrawn due to the restriction requirement.
9. Every error in the patent sought to be corrected in the present reissue application, and which is not covered by the prior declaration(s) submitted in this application, arose without any deceptive intention on the part of Applicants.
10. All statements made herein of our own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

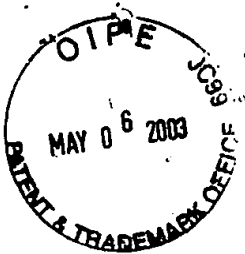
Date

Date

Gary P. Kasner
Gary P. Kasner

Mark S. Stoll
Mark S. Stoll

Richard J. Morris
Richard J. Morris



REISSUE PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:

Attorney Docket No. 1915.14US03

Kasner et al.

Confirmation No: 9685

Application No.: 09/862,905

Examiner: M. Safavi

Filed: 22 May 2001

Group Art Unit: 3635

For: RIDGE CAP TYPE ROOF VENTILATOR

SUPPLEMENTAL STATEMENT UNDER 37 C.F.R. § 3.73(b)
AND ASSIGNEE CONSENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RECEIVED
MAY 09 2003
GROUP 3600

I, David Lenzen, declare that

1. I am authorized to act on behalf of the Assignee, Liberty Diversified Industries, Inc., a corporation.
2. The assignee owns the entire title and right to the above-identified U.S. Patent, assignments from the inventors are recorded at Reel 7259, Frame 0568 and Reel 5231, Frame 0903.
3. I believe Gary P. Kasner, Mark S. Stoll, and Richard J. Morris to be the original, first and joint inventors of the subject matter described and claimed in U.S. Patent 5,094,041, for which a reissue patent is sought to the invention entitled "RIDGE CAP TYPE ROOF VENTILATOR," the specification of which was filed on the above-indicated date.
4. I have reviewed and understand the contents of the above-identified specification, including the claims as amended.
5. I acknowledge the duty to disclose information which is material to the patentability of the above-referenced application as defined in 37 C.F.R. § 1.56.
6. I believe the original patent to be partially or wholly inoperative because Applicants claimed more or less than Applicants had a right to claim in the patent, e.g., allowed claims of U.S. Patent 5,094,041 recite "a plurality of vent panels" (claims 1 and 7) or "at least a first vent panel and a second vent panel" (claim 4), wherein "a ventilator first"

panel is enabled and disclosed in the present U.S. Patent, is not recited in any allowed claim, and is broader in scope than "a plurality of vent panels" or "at least a first vent panel and a second vent panel."

7. I also believe the original patent to be partially or wholly inoperative because Applicants claimed more or less than Applicants had a right to claim in the patent, e.g., allowed claims of U.S. Patent 5,094,041 recite "a pair of vent parts (independent claims 1, 4, 7, 8, and 9)," wherein "at least one ventilator section" is believed to be enabled and disclosed in the present U.S. Patent, is not recited in any allowed claim, and is broader in scope than the foregoing limitation present in the issued independent claims.
8. I also believe the original patent to be partially or wholly inoperative because Applicants claimed more or less than Applicants had a right to claim in the patent, e.g., each independent claim of U.S. Patent 5,094,041 recites "a roof ventilator having a roof opening", whereas this limitation is not present in the pending independent claims, which are therefore broader in scope.
9. I also believe the original patent to be partially or wholly inoperative because Applicants claimed more or less than Applicants had a right to claim in the patent, e.g., methods of ventilating a building attic using the present invention and/or or making the present invention are not claimed, exemplary method claims being present in this Application, but withdrawn due to the restriction requirement.
10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements my jeopardize the validity of the application, any patent arising thereon, or any patent to which this declaration is directed.

Date: 1-17-03

LIBERTY DIVERSIFIED INDUSTRIES, INC.

By: David Lenzen
David Lenzen
Executive Vice President

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

02 May 2003
Date of Deposit

Wm. Larry Alexander
Wm. Larry Alexander

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

02 May 2003

Date of Deposit

Wm. Larry Alexander

Wm. Larry Alexander



The mail stamp of the Patent and Trademark Office on card acknowledges the filing on the date stamped of:

Request for Certificate of Correction; Form PTO-1050; Check for \$100.00; and return postcard. Sent via First Class Mail.

| | |
|-------------|-----------------|
| Applicant: | KASNER et al. |
| Patent No.: | RE37,388 |
| File No.: | 1915.14US01 |
| Due Date: | None |
| Initials: | WLA/srt |
| Mailed: | January 9, 2003 |

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : RE37,388
DATED : September 25, 2001
INVENTOR(S) : Kasner et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Column 1, line 7, insert --More than one reissue application has been filed for this reissue of U.S. Patent No. 5,094,041. The reissue applications are U.S. Patent Application No. 08/209,559 (the present application) and U.S. Patent Application No. 09/862,905, which is a continuation reissue application of the present application.--.

MAILING ADDRESS OF SENDER:
Customer No. 24113
Wm. Larry Alexander
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

PATENT NO. RE37,388

No. of additional copies _____